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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**STIPULATION TO EXTEND
JURISDICTION OVER
CONDITIONALLY DISMISSED
DEFENDANT CLEAVER BROOKS,
INC., F/K/A CLEAVER-BROOKS, A
DIVISION OF AQUA-CHEM, INC.;
ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and CLEAVER BROOKS, INC., F/K/A CLEAVER-BROOKS, A DIVISION OF AQUA-CHEM, INC. (“Defendant”) hereby stipulate as follows:

1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda Case No. 22CV021840.

2. On December 21, 2022, the above action was removed to the United States District Court, Northern District of California, Case No. 4:22-09058.

3. On August 28, 2024, Plaintiffs and Defendant reached an agreement of all claims in this action.

4. On September 04, 2024, the Court granted a conditional dismissal with prejudice as to CLEAVER BROOKS, INC., F/K/A CLEAVER-BROOKS, A DIVISION OF AQUA-CHEM, INC., with the Court retaining jurisdiction for 60 days.

5. While all terms of settlement are agreed upon, the terms of settlement are not yet perfected. Plaintiffs and Defendant agree that this matter should not be litigated due to the agreed-upon resolution.

6. Therefore, Plaintiffs and Defendant stipulate and request that this Court retain jurisdiction over the matter as it pertains to Defendant CLEAVER BROOKS, INC., F/K/A CLEAVER-BROOKS, A DIVISION OF AQUA-CHEM, INC., for an additional forty-five (45) days.

DATED: November 8, 2024

Maune Raichle Hartley French & Mudd LLC

By: 

Rabiah N. Oral
Attorney for Plaintiffs

1 DATED: November 8, 2024

MORGAN, LEWIS & BOCKIUS LLP

2 By: /s/ Amy Talarico

3 Edward R. Ulloa

4 Michael B. Giaquinto

5 Amy J. Talarico

6 Attorneys for CLEAVER BROOKS, INC.,

f/k/a CLEAVER-BROOKS, a Division of

AQUA-CHEM, INC.

7 **LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER**
8 **PAPERS**

9 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified
10 above, and on whose behalf the filing is submitted, concur in the filing's content and have
11 authorized the filing.

12 DATED: November 8, 2024

13 By: 

14 Rabiah N. Oral, Esq.

15 Attorney for Plaintiffs


ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that the terms of settlement between PLAINTIFFS and Defendant CLEAVER BROOKS, INC., F/K/A CLEAVER-BROOKS, A DIVISION OF AQUA-CHEM, INC., are to be perfected within forty-five (45) days of this order. The Court retains jurisdiction over the matter as it pertains to Defendant CLEAVER BROOKS, INC., F/K/A CLEAVER-BROOKS, A DIVISION OF AQUA-CHEM, INC., for forty-five (45) days from the date of this order.

IT IS SO ORDERED.

DATED: 11/12/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE